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CRISIS, MORAL ERRORS AND HISTORY

Introduction

In this paper, I intend to investigate the specific nature of moral crisis and whether or not a moral crisis is, strongly, different in kind from a moral disagreement or, more weakly, a special case of moral disagreement. A moral conflict is a disagreement about the truth of a statement or an assertion and its resolution will not necessarily (but may) involve normative and practical consequences: a change in law, social institutions or individual behaviour. Intuitively, crisis is initially comprehended as a crucial or decisive temporal moment which is unstable and characterized by a conflict awaiting resolution that will result in a critical revision of central values. Crisis, one may suppose, differs from simple moral disagreement because of the urgency of its resolution. It is not just disagreement, it is an urgent disagreement, in that it is a demand that can quite quickly spill over into political action. The resolution of a moral crisis, whether it be different in kind from or a special subset of moral disagreement, may well lead to normative and practical consequences.

Characterizing the Nature of Moral Crisis

Crises are nearly always material or historical facts, such as the demand by women for the vote pre-1918 (in the UK), and the lobbying for the Abortion Act of 1967. In both of these cases, customary or traditional values were pitted against “progressive” or rational reasons and the moral demand was accompanied by political action (protest, disobedience, violence). Had the demand been made historically earlier, it is not uncontroversial to assume that it would have been silenced; that is, it would not have counted as a demand, because the interests it expressed had no “rational” correlative in the dominant moral language. What they said would not have counted as words. So, the women who demanded a vote were seen as “hysterical” or “unnatural” and therefore “unreasonable” and “irrational” until the culture of reason could accept their demand as intelligible (in the UK around the turn of the 20th century).¹ And such denial of the demands of the women would have been supported by conventional meanings of the social fabric (it is natural for women to occupy the home) and more sophisticated metaphysical positions (the religious separation of gendered duties).

However, at the same time, moral crises are distinguished by the protester's voice harmonizing with deeper central values of a culture. The demands are not so easily silenced as those of the hysterical and the idiosyncratic. Crises are interesting because the demand made cannot be easily dismissed by the dominant moral discourse because the crisis reveals a conflict at the heart of the language. With both examples above, the emergence of the rationality of the values of liberty and equality comes into conflict with the wider moral

¹ Langton sees this as a true cultural problem as concerns contemporary feminism. The voice of women is “silenced” because their assertions are not considered assertions at all, but the statements of the deluded, the emotional, the hysterical and so on. See Rae Langton, *Sexual Solipsism: Philosophical Essays on Pornography and Objectification* (Oxford: Oxford University Press, 2009), ch. 1.

language that supports them. The demand for the right to vote made an appeal to central values, equality and liberty, which come into conflict with the traditional metaphysical and religious commitments of the culture. Oddly, though, those very values of equality and liberty were founded in and extrapolated from that very particular moral tradition. Equally so in the case of abortion whereby reproductive technological advances, egalitarian policies and the secularization of society mean women have for the first time a demand to take their own body as self-owned. Here the values of autonomy and private property are also to a large extent derived from a specific moral tradition.²

Crisis, it seems, reveals the broken nature of moral culture and occurs when that language is in need of revision. It is distinguished from other moral problems in that its resolution is characterized by urgency and the willingness of the agents to risk for their demands to be met. Compare the movements for female suffrage with the moral problem of assisted suicide. If the government were to enforce a law against assisted suicide, one may well disagree and assert that it rests on moral error, but be unwilling to use political action to demand that politicians recognize their error. The conflict is just not urgent enough to demand political action in the case of disagreement. Moral crises, on the other hand, are very much characterized by the need to resolve them practically as well as theoretically and such disagreements are often accompanied by political and practical action.

Let us take two steps back here to dissect the nature of moral disagreements which are best understood as a crisis. A disagreement in moral discourse is characterized by a conflict between individuals or groups who claim that “it is right to X” in contradiction of others. So, “it is right for women to have the right to vote” and “it is right that women do not have the right to vote”. It is assumed that, like science, such questions are susceptible to resolution and are not, like desires or preferences, arational. To reduce the question to a conflict of preferences and not reasons is to make it akin to two agents arguing over whether cheese is delicious or not. Such conflicts can only be resolved through force and coercion, not reason, and ultimately undermine an appropriate understanding of moral discourse.

Moral crisis is therefore akin to moral disagreement in that there exists a felt conflict between shared values of a culture. As has been mentioned, the values of equality and liberty which ground the demand for universal suffrage are the very values of the tradition which they oppose. The traditional interpretation of these values and the progressive interpretation of the values of a culture are in opposition, so one could describe the rational axiology of a culture as conflicted.

Over and above a simple moral disagreement, a moral crisis seems to be very much historically situated. The disagreement over whether lying is ever permissible is ahistorical. However, had women demanded the vote in the sixteenth century, their claim would have been unintelligible at the level of the dominant public, rational culture due to its incoherence with deeply shared metaphysical, religious and ethical commitments. In the twentieth century, the demand for the vote is intelligible because it harmonizes with rational values that are shared: equality, liberty and a new cultural fabric that grounds these values (the secular, industrial world). The claim is grounded in values that are undeniable to the opponents of the claimant; the participants now speak the same moral language and hence the progressive interlocutor has to be recognized as a moral partner. They are recognized as equal, rational participants in discourse.

² The development of moral discourse here alluded to only implicitly is probably best compared to MacIntyre's discussion of traditions. I believe his characterization owes much to Hegel as does the idea of progress which motivates my own understanding. I do not have space, unfortunately, to argue for it directly in this essay. See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), ch. 18.

Finally, to fully separate crises from mere disagreement, it is pertinent to identify the difference in urgency as concerns its resolution. When Ronald Dworkin wrote about pornography he was concerned with free speech and pornography was not a problem as it was a minority issue.³ Society was able to tolerate a few perverts for the sake of free speech and equality of moral concern. However, as Langton has pointed out, pornography has become pervasive in our culture and its objectification of agents is keenly and widely felt.⁴ Everyone now has access to pornography and a resolution to the moral problem of pornography is demanded because to ignore it, to sweep it under the carpet, exacerbates the conflict and begins to ferment a possible violent outcome. Perhaps because of this urgency, crisis as apart from conflict, is often accompanied by or instigates political violence. Issues such as the testing of five year olds in school or the issues surrounding assisted suicide, do not beget violence because tolerance and compromise can be accommodated. However, abortion, equality of genders, races and minorities often result in civil disobedience and direct action.⁵

To summarize, a moral crisis is (i) a conflict between moral reasons in which (ii) both participants appeal to recognized elements and values of a shared moral culture; but it differs from a moral disagreement in that (iii) its resolution is urgent.

Conflict and Error

One assumes that of the two opposing participants in a rational conflict, one or both are in error. The aim of moral discourse has always been conceived as, on one level, the rational negation of erroneous assumptions and arguments. Given the ahistorical, universalist and monist nature of modern ethics, such crises are seen as a species of one of three errors.

One, the error concerns a conflict of interests with moral obligations. Some putative moral reasons are not reasons at all but only apparently rational. Instead they are preferences, interests and desires and the language which sets them up as reasons is nothing but ideology. When a demand is made by the interests of some agents against the moral obligations of all agents, then there is a simple conflict between reason and desire. So, the ruling males believe they have reasons for not extending votes to women, but these are just masks for their own interests. The moral language of such cultures, the language one must speak to be rational is revealed to be ideological in the sense that it expresses interests of a class/group exclusively and in isolation from society as a whole.⁶ Rational discourse will reveal which are real reasons and which are mere expressions of interests.

Two, the error arises from badly articulated problems, but problems which are ultimately reducible to core moral values. With abortion, we recognize that historical and traditional principles of the sanctity of life muddy the discursive water and we really need a full blown rights theory and a proper metaphysics that assigns or denies personhood to the

³ Ronald Dworkin, "Is There a Right to Pornography?", *Oxford Journal of Legal Studies*, 1981, 30.3: 177-212.

⁴ Rae Langton, *Sexual Solipsism: Philosophical Essays on Pornography and Objectification* (Oxford: Oxford University Press, 2009), chs. 6-7.

⁵ There is an interesting aspect to this violence that links it with the issue of recognition. Hegel believes that recognition is a long drawn out historical struggle which begins either with individual violent conduct or war between states. And it is interesting to note how, prior to violent acts, silencing of other participants is the norm, and yet a violent demand results in recognition because the agent is prepared to risk his or her life for the sake of a value, thus displaying the Hegelian requirement for rational action. (One feels Emily Davison throwing herself in front of the King's horse in 1913 is a paradigm example.) See Georg Hegel, *Phenomenology of Spirit*, trans. A. V. Miller, (Oxford: Oxford University Press, 1977), ¶¶178-183; and Georg Hegel, *Elements of the Philosophy of Right*, trans. H. B. Nisbet, (Cambridge: Cambridge University Press, 1991), §351R.

⁶ Friedrich Nietzsche, *The Genealogy of Morals*, trans. F. Golffing, (London: Doubleday, 1956) and Karl Marx, *The German Ideology*, trans. S. Ryazanskaya (New York: Prometheus Books, 1998).

foetus. Once we have the appropriate language and concepts, the conflict will supposedly disappear.

Three, the result of conceptual or metaphysical error. Reasons have a proper language which is universal and required for the rational expression of reasons. Conflict can be due to bad articulation and framing of a problem in imprecise and ambiguous language. In other words, because ethics is itself ahistorical and universal, crises must belong to the temporal world of change and hence incorporate some sort of error. So, for example, seeing the foetus as a soul is an ontological error that has normative consequences for the rational discussion of the permissibility of termination.

In all three cases, moral discourse seeks to bracket off the historical nature of these conflicts rendering it insignificant to the actual debate. Crises, though, arise when there is a need for revision and reinterpretation of a community's central values. The value of moral crises may well be in their contribution to the project of thinking as they seemingly function as a motor of historical-ethical revisionism (as was the case with equality in the suffrage demand and liberty in the abortion demand). Ethical crises may occur when the very concepts of our ethical reasoning are in need of revision and not just our articulation and expression of them. Crises seem to involve a need to develop one's moral language and so are significantly different from simple moral disagreement.

The nature of modern moral philosophy is apparently an obstruction to conferring the appropriate status on moral crises, though. One needs an ethical theory which is sensitive to these understandings, yet one which resists the urge to fall into a simple historical relativism whereby moral language is relative to the historical culture which grounds it. Most modern ethical theories are not.

Historicism of Moral Language

The elements, reasons and values of our moral language are primarily constituted as a cultural *a priori*. These values are imposed by a subject on his or her experience in order to make the experience intelligible.⁷ These values are, for the most part, coexistent and plural. One can respect an other's autonomy whilst maximizing overall utility or welfare, but sometimes they will conflict. Sometimes it is impossible to be consistent or even to be faithful to all our values at once, there is only so much "social space" in our society. Sometimes the values will relate to each other illogically and oddly due to their historical manifestations. Sometimes new moral problems will often bring into stark relief those background values which inform our judgements and force us to re-interrogate them as grounds to our moral judgements. Novel ethical issues will force us to evaluate the substantial manifestations of equality, liberty and other procedural values or even, at a lower level, substantial, historical values. So, for example, abortion is a real moral issue in a society where medical technology (where cost is minimized and safety maximized), religious traditions (the traditional Christian echo which places the quickening at conception unlike the Muslim faith) and women's material equality (women make decisions for themselves) collide to raise the problem of re-evaluating the concept of the liberty of a specific group in a tradition that has for a long time silenced them. To look at the problem divorced from these understandings is to corrupt what is actually at stake. Moral crises are *shot through* with historicity. For Hegel, such moral problems are motors of history and he thinks this is what allows us to perfect our moral discourse .

⁷ I shall not argue for this thesis here. For a discussion and argument, please refer to David E Rose, *The Ethics and Politics of Pornography* (London: Palgrave MacMillan, 2013), ch. 6.

Hegel prescribes objective determinations of the will from one's social and cultural identity.⁸ He realizes that the nature of the good cannot be created from the abstract thinking of the mind consistent with universal norms. Instead the moral subject must begin from existing moral values and institutions because his constraint of objectivity involves the idea that the good must be intelligible to the judgements of my cultural peers. Recognition of the rightness of my action is necessary for me to be treated as a free agent. Those values the agent finds himself thrown into are those that make rational moral thinking possible and are, then, the ground of his own evaluation and the starting point of his own revisionary project.

Moral thinking is a socially immanent enterprise. The substantial understanding of others as derived from their social identity and also of oneself is the objective freedom of the agent. The objective freedom of an agent is the institutions, moral values, social fabric, roles, civil, economic and political structures and so on that guarantee his or her identification as a subject of his or own deeds and his or her recognition as a moral agent (and not an animal, a very young child, a slave and so on). So, for example, capitalism, the family and the Christian tradition are all forms of objective freedom: they assign roles and duties that determine how we behave in certain situations and in behaving in accordance with their dictates (or, at times, violating them) we are able to be, and also understood as, a moral agent. Such objective determinations will differ from age to age, area to area and, as it is constituted by various concatenations of class, geography, age and so on, from person to person.

One simplified way to understand Hegelian ethics is as a one-dimensional relativism: a moral assertion is true or false relative to a system and code of values, goods and rules institutionalized in a community. Even given the erroneous nature of such an interpretation of Hegel (Hegel is not a relativist), such a position has immediate problematic consequences. First, the reason why pornography, abortion, euthanasia and environmentalism are widely discussed is because there exists no agreed consensus on such issues. Moral crises present themselves as problems to be solved because there is no such agreement nor easy way to convince those who would espouse contrary statements (as there is when we talk about the wrongness of breaking promises and of harming people without good reason, even if we disagree on moral theories, metaphysics, politics and religion!) Second, relativism – simply because there is no shared consensus – would have nothing to say about such issues and would be quietist in ilk. 'Wait for a standard consensus to form and then cohere with it,' is a rather uninspiring moral philosophy. Third, there would be no way to make inter-cultural (as opposed to intra-cultural) evaluations: I can criticize those like me, but I cannot criticize those unlike me as they operate under different values, norms and are products of a different history.

For these reasons, relativism is hugely unappealing but, as I have already said, Hegel is no relativist. Moral judgements are not transcendental, or products of a priori thinking, nor even laws consistent with the science of human nature. They are contingent, products of an historical tradition and cut across the politics, social values and economics of a particular community. However, there is a further story to be told. Hegel has two axes of evaluation to apply. To the question, 'Is X good or right?' the first dimension (the cultural constraint) is to see whether the statement coheres with the centrally agreed and rational values of the culture to which the statement is presented, the social and moral fabric of the agent's culture. The second axis (the autonomy constraint) asks whether the existence of the institution, practice or creed maintains, supports or reproduces a state of affairs that inhibits or supports the procedural requirements of modern moral discussion, that is autonomy, independence and equality. A society with an institution of slavery is worse than one which does not have such

⁸ What follows is a very succinct summary of Hegel's ethical thought as it appears in the pages of *Elements of the Philosophy of Right*.

an institution on this model. Of course, it rests with the superior culture to explain why, to bring the other culture into line with its thinking and such a task is historical and not merely rational: the words require the economic reforms, the aid, the educational system that would support them. And such an enlightenment needs to be self-realized and not through an operation of putative moral force.⁹

Hegel expresses these with two terms of art: the agent's *objective freedom* consists in his or her institutional identities, social roles, traditional values and economic, material existence. The question is then why Hegel understands these objective determinations of one's identity as a liberation or a freedom. These roles and values make possible the agent's moral, rational action: they define what is intelligible and what is to be admired and admonished. *Subjective freedom* is the freedom to act in accordance with or to break the principles and requirements of one's objective freedom and to satisfy one's own personal projects, desires, interests and so on. The agent's subjective freedom is the capacity of the agent to achieve what he or she sees as a worthwhile project or a valuable life within the limits of the values and requirements of objective freedom. So, not only does the agent ask whether or not his or her action is appropriate to the expectations of his or her peers, but also whether the expectations of his or her peers are appropriate to him or her. The agent asks himself or herself if he or she feels at home in such a culture, whether his or her individuality can be adequately respected in such a culture with all its traditions and values. Moral language, its concepts and topics, is a form of objective freedom.

Morally good reasons are those that are justified by the interpersonal values of a culture and those in which the subject can find their own autonomy and equality respected through the expression of their own freely chosen projects and aspirations. Yet, this still may not be enough because human beings immersed in culture can be coerced into believing that they are at home in roles which do not violate the procedural limits of moral discourse, but may still be morally problematic. Human sacrifice whereby the victim has won the honour of being sacrificed in open competition with all members of the community seems to be one such case. Therefore, we require one last limit on possible interpretations of the requirements of moral behaviour. There are values which are operative in our practical reason that appeal to one's identity not only as a member of a specific class, nor only as a member of a specific society nor people, but also and above these as a member of the human race.

Modern moral philosophy is often challenged by its attempt to obfuscate the distinction between obligatory or supererogatory actions, or its requirements being too demanding, or its demand for disinterestedness. Moral requirements must be tempered by the integrity of the agent, his or her own projects and needs, and ultimately his or her nature, that is the interests in self-preservation and a happy life, but they are given sense through the objective freedom of moral language. Moral language is an aspect of objective freedom: my personal, subjective freedom can be increased or decreased by the institutions of education in my culture but also so by the language available to me and the reasons such language embodies. A culture with a substantial and robust understanding of autonomy is better for the individual than one with an opaque and ambiguous understanding of it.

We can now, on the basis of the brief outline of Hegel's social ethical approach, describe three axes of moral interpretation. The objective freedom of moral language is required for the freedom and rationality of the individual, but it has to meet these requirements:

1. its concepts and practices can be justified to others in terms of publicly shared values (the cultural constraint);

⁹ Hegel, *Elements of the Philosophy of Right*, §57A.

2. the personal roles and practices it prescribes do not violate the basic needs which ground the development of all human societies and generate human association (the minimal naturalism constraint);
3. the subject is able to express his or her personal individuality as an ongoing project which has been freely endorsed and chosen and is respected by others. The subject is able to feel at home in a culture where personal integrity as an individual, expressed as his or her autonomy and recognized via respect from others, is possible (the autonomy constraint).

Moral crises occur when either (2) or (3) is made impossible for an individual. The impossibility is not just incoherence but a simultaneous urgency for change. However, instead of moral language being rejected, one finds that the individuals and groups can make an appeal to (a), but so can their opponents; as is the case with slavery or human sacrifice. Hence, (1) is not to be rejected but to be refined by the norm of coherence. (1) has to cohere with the demands of (2) and (3) to be a form of objective freedom. Female suffrage shows how the idea of a self who is autonomous and free and hence has a right to participate in government is a requirement of the modern self yet comes into conflict with institutions of familial hierarchy. The problem with abortion is the demand that women as well as men are entitled to control over their own natures and bodies in line with the demand for autonomy.

One can now begin to understand this in terms of Marx's concept of ideology. An ideology is the self-understanding of a group or class who sees itself as having interests in isolation and separate from the aims of society as a whole.¹⁰ With a moral language, it is justified as a form of objective freedom, yet when we recognize ourselves as agents with interests that are separate from those interests which are permissible and coherent with the moral language of our age and yet these interests are coherent with emergent or other values and hence demand attention. This cannot be subjective or idiosyncratic because they must be expressed in terms which can be grounded in some part of the moral culture. The language of the demand cannot be wholly other, otherwise it is not a crisis.

Conclusion

Moral crises occur at the level of a culture's moral language. Either concepts are not yet available for the articulation of the problem or the substantial cultural idiom is inconsistent with the values of that culture. So, one may not be able to understand the need for autonomy (as the Ancient Greeks did not), or the understanding of equality (an equality of an ontological distinction) is unable to resolve demands from subjects who are not covered by its understanding. Such crises reflect a failure of a culture's moral language. When the agent cannot feel at home in a culture's moral language because the obligations and requirements of that language are incoherent with or violate either other interests and needs rational to the culture as a whole or the obligations frustrate the naturalist personal integrity of the agent. At such a point, the language of a culture is incoherent and in demand of revision. We do not know what moral norms require until we work them out through historical struggle.

For example, abortion becomes a pertinent moral issue when the demand by women for the self-ownership of their bodies and their projects which is consistent with modernity's central values comes into conflict with the traditional basis of moral language, the Christian tradition. The crisis is only felt when there is enough surplus wealth and women in employment such that the need for self-ownership of one's body becomes a felt need, rather than a theoretical nicety. The resolution of the demand will be the emergence of new moral terms and concepts. Moral crisis are not the protest of the unreasonable or the irrational, but

¹⁰ Marx, *The German Ideology*, pp. 34-43.

the immanent voice of those who seek what the moral culture promises. Thus, a true moral crisis occurs when the group subject cannot feel at home in the moral language of their culture.¹¹ Examples would include the Suffragettes, animal rights activists, environmentalists and anti-capitalists. All these groups for a “we” subject” and articulate their claims in terms of values shared by the dominant moral majority. So, the anti-capitalists for example appeal to the need for personal autonomy which was the supposed justification of private property by the liberal tradition (and Hegel himself). They cannot just be silenced or termed irrational.

All that has been shown here is that it may be a mistake to reduce moral crises to conceptual errors or simple moral conflicts. They are a specific phenomenon and one that allows us to refine our moral language and make moral progress. They are, therefore, significant.

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¹¹ It must be a group. Luther and Socrates are idiosyncratic and unique. They are what Hegel calls world historical individuals. They basically appear when moral discourse has broken down completely not when it is need of revision. A group is important for crisis because one requires others, even a small minority, to recognize the rationality of one’s claims and to share them against the moral majority.